



Employment Act 1982

1982 CHAPTER 46

Trade disputes

16 Limit on damages awarded against trade unions in actions in tort

- (1) Subject to subsection (2) below, in any proceedings in tort brought against a trade union the amount which may be awarded against the union by way of damages in those proceedings shall not exceed the appropriate limit.
- (2) Subsection (1) above does not apply to any proceedings—
 - (a) for any of the following resulting in personal injury to any person, that is to say negligence, nuisance or breach of duty; or
 - (b) without prejudice to paragraph (d) above, for breach of duty in connection with the ownership, occupation, possession, control or use of property (whether real or personal or, in Scotland, heritable or moveable).
- (3) The appropriate limit is—
 - (a) £10,000, if the union has less than 5,000 members ;
 - (b) £50,000, if it has 5,000 or more members but less than 25,000 members;
 - (c) £125,000, if it has 25,000 or more members but less than 100,000 members ;and
 - (d) £250,000, if it has 100,000 or more members.
- (4) The Secretary of State may by order vary any of the sums for the time being specified in subsection (3) above.
- (5) An order under subsection (4) above—
 - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) may make such transitional provision as the Secretary of State considers appropriate.
- (6) In this section—

" duty " means a duty imposed by any rule of law or by or under any enactment; and

Status: This is the original version (as it was originally enacted).

" personal injury" includes any disease and any impairment of a person's physical or mental condition.

- (7) For the purposes of this section, in any case where a trade union consists wholly or mainly of organisations or representatives of organisations, the members of such of those organisations as have their head or main office in Great Britain shall be treated as members of the union.